

MINUTES (approved)
Forensic Science Board Meeting
November 30, 2005-12:30 p.m.
DFS Central Laboratory, Classroom 1

Board Members Present:

Colonel Steven Flaherty
Ms. Elizabeth Russell
Ms. Linda Carne (Designee for Ms. Linda Fairstein)
Sheriff F.W. Howard
Mr. John Colligan (Designee for Mr. Leonard Cooke)
Ms. Marla Decker (Designee for Ms. Judith Jagdmann)
Mr. Dick Hickman (Designee for Senator Kenneth Stolle)
Mr. Randolph Sengel
Dr. Marcella Fierro
Mr. Edward Macon (Designee for Mr. Karl Hade)
Mr. Joseph Bono
Ms. Demris Lee

Department Staff Members Present:

Dr. Paul Ferrara, Director
Mr. Steve Sigel, Deputy Director
Mr. Pete Marone, Director of Technical Services
Ms. Katya Herndon, Counsel
Ms. Wanda Adkins, Office Manager
Mr. Charlie Oates, Legal Assistant
Mr. Ron Layne, Director of Administration and Finance
Ms. Amy Wong, Northern Laboratory Director
Ms. Susan Scholl, Eastern Laboratory Director
Mr. Kevin Patrick, Western Laboratory Director
Dr. Dave Barron, Central Laboratory Director

Call to Order

The meeting was called to order by Mr. Sigel.

Election of Chairman and Vice-Chairman; Appointment of Secretary

Mr. Sigel asked for nominations for Board Chairman. Sheriff Howard nominated Mr. Sengel for Chairman. There were no other nominations. The Board elected Mr. Sengel as Chairman by unanimous vote.

Mr. Sengel asked for nominations for Vice-Chairman. Ms. Carne nominated Sheriff Howard to serve as Vice-Chairman. There were no other nominations. The Board elected Sheriff Howard as Vice-Chairman by unanimous vote.

Dr. Ferrara recommended to the Board that Charlie Oates be appointed as Secretary. The Board accepted the recommendation and appointed Mr. Oates as Secretary.

Presentations

Dr. Ferrara presented information on the history of the Department of Forensic Science.

Mr. Sigel gave an overview of transition issues related to the new Department. Mr. Sigel also introduced agency staff.

Assistant Attorney General James Towey gave a presentation on the Conflict of Interest Act and the Freedom of Information Act.

Adoption of By-Laws

Ms. Decker proposed a motion to adopt the draft By-Laws. The motion was seconded and the Board adopted the By-Laws by unanimous vote.

Amendments to Regulations

Katya Herndon, Department Counsel, presented proposed amendments to the Regulations for Breath Alcohol Testing, the Regulations for the Approval of Field Tests for Detection of Drugs, and the Regulations for Implementation of the Law Permitting DNA Analysis upon Arrest for All Violent Felonies and Certain Burglaries. The amendments reflect the agency's new status as a Department by changing "Division" to "Department" and revising the regulations to reflect the new agency number assigned to the Department by the Registrar of Regulations.

Dr. Fierro moved to approve the amendments to the regulations. The motion was seconded and passed unanimously.

Grant Issues

Mr. Marone advised the Board regarding a potential problem in light of the fact that the statute requires Board approval for all grant applications. Mr. Marone explained that many of the grants the Department applies for require that an application be filed four weeks from the posting. With the Board only scheduled to meet every three months or so, Mr. Marone expressed concern over the Department's ability to get Board approval before filing these applications. There was general discussion over how to address this problem. Assistant Attorney General advised that the statute may need to be changed to correct the problem.

Ms. Decker moved that the Board request Department Counsel to prepare an amendment to the statute describing the Board's functions to eliminate the problem regarding Board approval of grant applications. Ms. Decker suggested using language that is consistent with statutes addressing other Boards. The motion was seconded and passed unanimously.

To address the issue until the statute is amended, Ms. Decker moved that the Board allow the Chairman and the Director to call a special meeting if the Department needs Board approval for a grant application that is due before the Board's next regular meeting. The motion was seconded and passed unanimously.

Report on Scientific Advisory Committee Meetings

Mr. Bono gave the Board a summary of the Scientific Advisory Committee's meeting that was held on November 29 and 30. Mr. Bono stated that the Committee had approved the Committee's By-Laws and emphasized that the Committee's concern is dealing with laboratory operations first and foremost. Lastly, Mr. Bono stated that the Committee had approved the Department's response to the ASCLD/LAB's recommendations.

Toxicology Issues

Mr. Marone advised the Board of the demands being placed on the Department's toxicologists for testimony in DUI/DUID cases.

Future Meeting Dates

The Board decided that in 2006 it would meet on the 2nd Wednesday of February, May, August, and November. The Board agreed to allow public comment at all future meetings.

Adjournment

The meeting adjourned at 1:45 p.m.